

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14116, of Mort and Matlee Yadin, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the off-street parking requirements (Sub-section 7201.1) for the proposed conversion of a row dwelling into a three unit apartment house in a C-2-A District at premises 333 - 8th Street, N.E., (Square 916, Lot 29).

HEARING DATE: April 11, 1984
DECISION DATE: April 11, 1984 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of 8th Street, N.E. between D Street on the north and C Street on the south. The site is in a C-2-A District and is known as premises 333 - 8th Street, N.E.
2. The subject lot is rectangular in shape. Its dimensions are sixteen feet on the east and west sides and 62.08 feet on the north and south sides. The lot area is 993.28 square feet.
3. The subject site is improved with a single family row dwelling. The subject dwelling is a two-story brick structure with a partial basement.
4. The subject site is located within the Capitol Hill Historic District.
5. There is access to and from the subject site through 8th Street on the west. There is a narrow pedestrian alley at the east, or rear, of the site. There is no alley access for automobiles to be able to get to the rear of the site to park.
6. The subject square is developed with rowhouses on all four sides. There is a church located in the northeast corner of the square. The subject dwelling unit is part of a row of five dwelling units in the northwest portion of the 8th Street frontage. There is a public alley at the southern end of the row separated from the subject site by one dwelling unit. The structures in the square are either in residential use or vacant and boarded up. The area is undergoing renovation and residential uses have largely replaced the small scale commercial uses that formerly existed in the C-2-A District.

7. The subject neighborhood area is developed primarily with rowhouses, churches, schools and parks. Structures throughout the area are in various stages of renovation. Stanton Park is located two blocks southwest of the subject site and Lincoln Park is located four blocks to the southeast. The subject site is in a C-2-A strip located along 8th Street for one block to the south of the site and two blocks to the north. The surrounding area is zoned R-4 on all four sides of the subject C-2-A strip. A small R-5-C District is immediately southwest of the subject square and encompasses the Capitol Hill Hospital and its grounds.

8. The subject dwelling was constructed in 1885 as part of a row of residential structures. The dwelling and its adjacent dwellings on the north and south were put to residential use. The subject dwelling was used as a single-family dwelling until 1978 when it was vacated. The structure is presently boarded up. The existing rowhouse on the site is located on the lot lines on the north, west and south, leaving an undersized court and rear yard at the eastern portion of the site.

9. The applicant has a contract to sell the subject property to Mr. Gregory Gordon, who lives across 8th Street to the west of the subject site. The contract purchaser proposes to renovate the subject property and convert it into a three unit apartment house. Mr. Gordon has lived at his present address for approximately five years and has participated in the renovation of numerous dwellings in the nearby area.

10. The contract purchaser proposes to convert the first and second stories of the subject dwelling into one bedroom apartments. The basement would be converted into an efficiency apartment. Conversion of the basement would require its further excavation and the laying of a new floor at the basement level. All three units would be rental units.

11. Sub-section 7201.1 of the Zoning Regulations requires one parking space for every two dwelling units in a C-2-A District. A total of two spaces would be required for three residential units in a C-2-A District. One space was required for its prior single family use. This results in a requirement for one on-site parking space for the proposed use on the subject site.

12. The lot occupancy of the subject site is seventy-five percent. The only open space on-site is the rear yard which measures sixteen feet on the east and west sides and fourteen feet, one inch on the north and south sides. In addition to being too small for a standard parking space, which must be a minimum of nine feet by nineteen feet, the rear yard has

no alley access and cars cannot enter the site from the rear. The contract purchaser seeks a variance from the off-street parking requirements of Sub-section 7201.1.

13. The Board of Zoning Adjustment has the power to grant area variances provided that the applicant makes a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographic conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

14. The basement of the subject dwelling could not be excavated to a depth sufficient to provide a garage beneath the dwelling structure because such excavations would cause problems with the existing footings below a certain depth. Such excavations would also interfere with preservation of the 1885 facade of the subject dwelling. Such an excavation would also be very expensive.

15. The applicant argued that the apartment conversion would benefit the residential neighborhood. The neighborhood is undergoing a transition from vacant boarded-up rowhouses to revitalized residential rehabilitation. There is a possible danger to the neighborhood revitalization from potential commercial development because the area along 8th Street is zoned C-2-A even though few commercial tenants or purchasers have shown an interest in property in the subject strip.

16. On-street parking is plentiful as reported by the contract purchaser through an informal visual survey. The contract purchaser kept a chart of parking availability, making five observations. The observations were on a Friday and a Saturday at 2:00 P.M., on Sunday at 9:30 A.M., on the next Friday at 9:30 P.M. and on Saturday at 4:00 P.M. Parking on 8th Street was always available. The applicant has always been able to park in front of his dwelling or within a few yards of his dwelling. Spill-over parking is also available on the roof of an old, vacant Safeway store at the corner of 8th and C Streets, N.E. There is a parking ramp on top of the building, which is now owned by a nearby hospital. The survey reported that on-street parking is not available on Sunday afternoons or when the aforementioned church conducts night services.

17. The C-2-A District permits a combination of residential and commercial use. Should such a combination be installed in the subject property, the impact is potentially greater and more negative than three apartment units in

terms of traffic and parking. The applicant is limited in his proposed plans since financing through the Federal National Mortgage Association is for residential uses only.

18. Within the existing C-2-A District, there are currently eighteen structures that have residential occupants and there are ten that are either commercial buildings that are vacant or that have a commercial occupant. There are only six that are in active commercial use. In the contract purchaser's view, it is a misnomer to classify the subject block as a C-2-A District. The contract purchaser would prefer to have the block rezoned for residential and professional use. To that end, he is attempting to rehabilitate as many properties in the subject block as possible.

19. The Office of Planning, by report dated April 4, 1984, recommended approval of this application. The Office of Planning was of the opinion that the age of the subject structure, its location within the Capitol Hill Historic District, and the lack of alley access to the rear of the subject site precludes the provision of on-site parking in accordance with the requirements of the Zoning Regulations. The Office of Planning was of the opinion that the relief sought will result in benefits to the public good and its granting will be consistent with the intent and purpose of the zone plan. The Board concurs with the reasoning and the recommendations of the Office of Planning.

20. Advisory Neighborhood Commission 6A, by report dated March 27, 1984, unanimously recommended approval of the application. The commissioners voted after hearing a report from a Commission member that interviews with neighbors uncovered very little opposition and that was only on the basis that a two-unit building would be more acceptable because it supposedly would generate less traffic. The overwhelming neighborhood reaction was that the proposed renovation would improve the neighborhood, offsetting any parking objections. The Board concurs with the reasoning and the recommendations of the ANC.

21. The Capitol Hill Restoration Society, by letter dated April 10, 1984, reported that it had voted to take no position on the application.

22. The Stanton Park Neighborhood Association, by letter dated April 7, 1984, reported that it had voted not to oppose the application.

23. A letter opposing the application was submitted to the record on April 11, 1983. A petition containing forty-three signatures was attached to the letter. The opposition

was based on the opinion that residents of the area face an on-street parking crisis and any conversion of a single-family dwelling to an apartment building should provide off-street parking.

24. As to the opinions of the opposition, the contract purchaser responded by stating that the signatures on the petition were not from neighbors immediately adjacent to the site nor were the majority located in the subject square. Further, the opposition presented no evidence to dispute the survey of available parking that was made by the applicant. The Board has previously found that is not possible to provide parking for this building.

25. The contract purchaser discussed his plans for the site with neighbors adjoining the site and in the same block of 8th Street, N.E. Their reaction was that the proposed renovation would improve the neighborhood, offsetting any parking-related objections that the neighbors might have.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographic conditions. The Board further must conclude that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.


The Board concludes that the applicant has met this burden of proof showing a practical difficulty inherent in the property. The lack of alley access to the rear of the subject site renders it impossible to provide the required parking space in the rear yard of the premises. Further, the existing historic facade of the subject structure would be defaced by excavating a basement entrance for a garage beneath the dwelling structure.

The Board concludes that granting the proposed parking variance will not cause substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan. The proposed parking variance will permit the renovation of a dilapidated and vacant structure for residential use and will contribute to the revitalization of the subject neighborhood. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JUL 24 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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